

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LY TRI,

Plaintiff,

v.

C. GUTIERREZ, et. al.,

Defendants.

Case No. 1:22-cv-00836-KES-SKO

ORDER SETTING SETTLEMENT
CONFERENCE AND PARAMETERS AND
SCHEDULING PRE-CONFERENCE
TELEPHONIC DISCUSSION

Settlement Statements due: September 30, 2025
Pre-settlement Conference: October 7, 2025
Settlement Conference: October 14, 2025

Magistrate Judge Helena Barch-Kuchta will hold a settlement conference on **October 14, 2025 at 10:00 a.m.** via video teleconference. The Zoom settlement conference invitation will be distributed the week prior.¹ The court has reserved this time for this settlement conference and expects the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible.

¹ Any difficulties concerning Zoom video conference, or connecting to the Zoom video conference, shall immediately be reported to Patricia Apodaca, Courtroom Deputy for the Hon. Helena Barch-Kuchta, United States Magistrate Judge, at papodaca@caed.uscourts.gov.

1 Unless otherwise permitted in advance by the court, the following individuals must attend
2 the settlement conference in person: (1) all the attorney(s) who will try the case; and (2)
3 individuals with full authority to negotiate and settle the case, on any terms must be available by
4 telephone during the conference. *See* Local Rule 270(f).

5 **No later than September 30, 2025**, each party must submit to Judge Barch-Kuchta's
6 chambers at hbkorders@caed.uscourts.gov or by mail at U.S. District Court, Chambers of Judge
7 Barch-Kuchta, 2500 Tulare Street, Room 1501, Fresno, CA 93721 a settlement conference
8 statement. These statements should neither be filed on the docket nor served on any other party.

9 In compliance with Local Rule 270(d)-(e), the settlement statements will be used
10 exclusively for the undersigned to prepare for and conduct the settlement conference. They will
11 not become part of the case file and will be shred thereafter under Local Rule 270(e). If
12 applicable, the statements should be marked "CONFIDENTIAL." *See* Local Rule 270(d).

13 The statements should not exceed ten (10) pages and should include:

14 (1) a brief recitation of the facts;

15 (2) a discussion of the strengths and weaknesses of the case, including the parties' relevant
16 position on the factual and legal issues and brief review of the evidence to support the parties'
17 factual position;

18 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial
19 matters, in specific dollar terms;

20 (4) your best estimate of the probability that plaintiff will prevail should this case proceed
21 to trial;

22 (5) your best estimate of the damages or relief plaintiff may recover should this case
23 proceed to trial and plaintiff prevail (in specific dollar terms and/or injunctive relief, if
24 applicable);

25 (6) a history of settlement discussions (including a listing of any current settlement offers
26 from any party, in specific dollar terms), a candid statement of your party's current position on
27 settlement, including **the amount that you will give/accept to settle** (in specific dollar terms),
28 and a statement of your expectations for settlement discussions;

1 (7) a list of the individuals who will be attending the settlement on the party's behalf,
2 including names and, if appropriate, titles.

3 Notwithstanding the provisions of Federal Rule of Evidence 408, all statements made by
4 the parties relating to the substance or merits of the case, whether written or oral, made for the
5 first time during the settlement conference will be deemed to be confidential and shall not be
6 admissible in evidence for any reason in the trial of the case, should the case not settle. This
7 provision does not preclude admissibility in other contexts, such as pertaining to a motion for
8 sanctions regarding the settlement conference.

9 Judge Barch-Kuchta will hold a short, pre-settlement conference telephone discussion on
10 October 7, 2025 at 10:00 a.m. for Defendant and 10:30 a.m. for Plaintiff (dial-in number: 1-669-
11 254-5252; meeting ID 160 644 7139; passcode: 646053). Only the lead attorney from each side²
12 should participate. At Judge Barch-Kuchta's discretion, the joint telephonic discussion may be
13 followed by private telephonic discussions between the judge and each party.

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15 Dated: September 9, 2025


16 HELENA M. BARCH-KUCHTA
17 UNITED STATES MAGISTRATE JUDGE
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28 ² The Court expects that the attorneys participating in the telephone discussion will also participate in the settlement conference.